

## **REMARKS**

### **Amendments**

#### *Amendments to the Claims*

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, the invention as claimed authorizes the transaction through a transaction privacy clearing house (TPCH) without revealing to the supplier the identity of the party whose financial account is associated with the transaction device. No new matter has been added as a result of these amendments.

### **Rejections**

#### *Rejections under 35 U.S.C. § 112, Second Paragraph*

#### **Claim 13**

Applicant respectfully submits that claim 13, as amended, satisfies the requirements of 35 U.S.C § 112, second paragraph and Applicant respectfully requests the withdrawal of the rejection of this claim under 35 U.S.C § 112.

#### **Claims 9-13**

Applicant respectfully submits that claims 9-13 satisfy the requirements of 35 U.S.C § 112, second paragraph. Corresponding structure for the “means for” language can be found in Figures 2 and 5. In particular, the “means for dispatching” corresponds to block 820 in Figure 5, the “means for using” corresponds to block 830 in Figure 5, the “means for purchasing” corresponds to block 840 in Figure 5, and the “means for authorizing” corresponds to block 515 in Figure 2. Applicant respectfully requests the withdrawal of the rejection of these claims under 35 U.S.C § 112.

#### **Claims 20-24**

Applicant respectfully submits that claims 20-24 satisfy the requirements of 35 U.S.C § 112, second paragraph. Claims 20-24 claim the invention in terms of a computer readable medium, which is a well-known claim type for computer implemented

inventions (See *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995)). Applicant respectfully requests the withdrawal of the rejection of these claims under 35 U.S.C § 112.

***Rejections under 35 U.S.C. § 103***

**Claims 2-7, 9-13, and 20-24**

Claims 2-7, 9-13, and 20-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Carter, U.S. Pat. No. 5,926,798; (previously cited) and Examiner's Official Notice. In particular, the Examiner admits that Carter does not disclose using historical purchase price activity of a party to negotiate price and takes Official Notice to disclose this element.

Independent claims 6, 13, and 24, as amended, recite authorizing a transaction through a TPCH without revealing the identity of a party whose financial account is associated with the transaction device to the supplier. The Examiner equates Carter's credit card and credit card support organizations to Applicant's transaction device and TPCH, respectively. However, as is well known in the art, use of a credit card with the credit card support organizations reveals the account name to the supplier. In contrast, Applicant's transaction device and TPCH as claimed do not reveal the identity of the party whose financial account is associated with the transaction device to the supplier. Furthermore, because Examiner's Official Notice is directed towards negotiating price, Examiner's Official Notice does not teach or suggest a transaction device and TPCH as claimed. Therefore, the combination cannot render obvious claims 6, 13, and 24 or claims 2-5, 7, 9-12, and 20-23 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claim under 35 U.S.C. § 103(a) over the combination of Carter and the Examiner's position regarding certain known price negotiations.

**Claims 2, 9, and 20**

Claims 2-7, 9-13, and 20-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Carter and two Examiner's Official Notices. In particular, in addition to the Official Notice noted above, the Examiner admits that Carter

does not disclose using purchase size as an incentive for obtaining a lower per unit sales price and takes an additional Official Notice to disclose this element.

Claims 2, 9, and 20 depend on independent claims 6, 13, and 24. Independent claims 6, 13, and 24, as amended, recite authorizing a transaction through a TPCH without revealing the identity of the party whose financial account is associated with the transaction device to the supplier. As per above, neither Carter nor the Examiner's first Official Notice teach or suggest the disclosed element. Furthermore, as the Examiner's second Official Notice is directed towards price incentives, the second Official Notice does not teach or suggest a transaction device and TPCH as claimed. Therefore, the combination cannot render obvious claims 6, 13, and 24 and claims 2, 9, and 20 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claim under 35 U.S.C. § 103(a) over the combination of Carter and the Examiner's position regarding certain known price negotiations and incentives.

### **SUMMARY**

Claims 2-7, 9-13, and 20-24 are currently pending. In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension of time is required, then Applicant requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: Jan. 18, 2006



Eric S. Replogle  
Registration No. 52,161

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300